

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FOURTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 21281 of 2004

Between:

N.V.S. Suryanarayana Raju S/o Surapa Raju Retd., First Grade Executive
Officer, Satyavada Village, Undrajavaram Mandal, West Godavari District

.... PETITIONER

AND

- 1 The Commissioner of Endowments, Tilak Road, Hyderabad
- 2 The Government of A.P., rep by Principal Secretary, Revenue

(Endowments) Department, Secretariat, Hyderabad

- 3 N. Venkateswara Rao S/o Rama Rao
Asst.Commissioner Cum Executive Officer, Estate Temples,

Challpalli, Krishna District

- 4 P. Pullam Raju S/o Satyanarayana Raju
Asst. Commissioner cum Executive Officer, Sri Balabalaji

Temple, Appanapalli, East Godavari District

- 5 P. Someswara Rao S/o Viswanatha Sarma
Retd. Assistant Commissioner, Vijayanagaram
- 6 V. Narasimha Raju S/o Pullam Raju
Asst. Commissioner of Endowments, Sri Mavullamma

Ammavari Temple Bhimavaram

- 7 D. Prabhakara Rao S/o Venkateswara Rao

Rtd. Asst. Commissioner of Endowments, Vijayawada, Krishna

District.

8 D. Ramalinga Reddy S/o Veera Reddy

Asst. Commissioner-cum-Executive Officer Grade-I, Sri Valli

Devayani Sametha Subramanya Swamy Temple, Krishna

District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or other order more particularly one in the nature of Writ of Mandamus declare that non consideration of the case of the petitioner for promotion to the post of Asst. Commissioner of Endowments though he is the senior than the 1st applicant in the O.A. is bad illegal, void, and consequentially direct the respondents No. 1 and 2 to promote the petitioner as Asst. Commissioner of Endowments on paper with all consequential and attendant benefits by granting the same relief granted to the applicant No.1 in O.A.No.5690 of 2000 dated 15.0.2004 and pass orders as the Hon'ble Court may deems fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.N.GURU GOPAL

Counsel for the Respondents No.1&2: GP FOR SERVICES-II

The Court made the following:

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed challenging the order, dated 15.03.2004 passed by the A.P. Administrative Tribunal in O.A.No.5690 of 2000.

2. The petitioner and one person by name N. Venkateswara Rao, filed O.A. seeking direction to promote them to the post of Assistant Commissioner basing on seniority list of Executive Officer Grade-I. The Tribunal finding that there was no final seniority list, directed the authorities to promote N. Venkateswara Rao on temporary basis, however, since the petitioner retired from service, no orders were passed in respect

of promotion to him.

3. The contention of the learned counsel for the petitioner is that N. Venkateswara Rao is junior to the petitioner and therefore, when he is promoted, the petitioner should also be promoted equally to the post of Executive Assistant Commissioner.

4. Learned Government Pleader submits that since the seniority list of the officers in the cadre of Executive Officer Grade-I is not yet finalized, question of promoting the petitioner on par with N. Venkateswara Rao does not arise. Under those circumstances, the learned Government Pleader would further submit that as soon as the seniority list is finalized, petitioner's case also will be considered for promotion and appropriate orders will be passed granting pay for promotion with other benefits. In view of this, the petitioner cannot be said to be affected by the order of the Tribunal.

5. Accordingly, the Writ Petition is disposed of directing the authorities to consider the case of the petitioner for promotion on finalization of the seniority list of the Executive Officer Grade-I and with necessary benefits. No costs.

G.BIKSHAPATHY, J

B.SESHASAYANA REDDY, J

Date: 24.01.2005

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To

- 1 The Commissioner of Endowments, Tilak Road, Hyderabad
- 2 The Principal Secretary, Govt. of A.P., Revenue

(Endowments) Department, Secretariat, Hyderabad
3 The Registrar, A.P. Administrative Tribunal, Hyderabad.

3 2 CCs to G.P for Services-II, High Court Bldgs., Hyd. (OUT)